

### **Remarks**

Claims 1-41 are pending in the application. Claims 36-40 are withdrawn from consideration. Claims 1-35 and 41 are rejected.

#### **Claim Rejections - 35 U.S.C. § 112**

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 1 is amended to remove the phrase “such as rubber or the like” thereby rendering the present rejection moot.

Claim 4 recites the limitation "said wrist band" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 is amended to depend from claim 3 which provides the antecedent basis for “wrist band.” Accordingly, claim 4 is now allowable.

#### **Claim Rejections - 35 U.S.C. § 102**

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Segal et al. (WO 02/15957).

Claim 1 is amended to include the limitations of claim 6. Specifically, claim 1 is amended such that the constriction device comprises “a central disk having, arranged thereon in a precise position, projecting teeth co-operating with through-holes complementing

said projecting teeth and formed in a similar position on a tag for opening said constriction device.”

Accordingly, because original claim 6 is not rejected under the present invention, amended claim 1 is now allowable under 35 U.S.C. § 102(b) over Segal et al.

**Claim Rejections - 35 U.S.C. § 103**

Claims 6-13 and 15-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Segal et al.

Applicant respectfully traverses the present rejection for the following reasons. Claim 1 is amended to include the limitations of claim 1. In particular, amended claim 1 provides a particular constriction device that is not provided by or suggested by Segal et al. Specifically, the constriction device includes “projecting teeth co-operating with through-holes complementing said projecting teeth and formed in a similar position on a tag for opening said constriction device.” The April 15, 2009 Office Action does not address this missing feature in Segal et al.:

Claims 6-13 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segal. Segal teaches the device substantially as claimed, but does not specifically teach that the key is circular. Similarly, Segal does not teach any structural elements corresponding to a circular key and constriction device. However, mere changes in shape do not constitute patentable improvements in the art when said changes do not provide functional improvements over the prior art.

The Office Action deals with the limitations of original claim 6 in a completely conclusory manner without any discussion regarding the specific design of the constriction device. In the present invention, the projecting teeth “represent essentially elements for **coding and identifying** the constriction device 3 relating to a given blood group.” In addition, the

projecting teeth are designed to co-operate “with through-holes complementing said projecting teeth and formed in a similar position on a tag **for opening** said constriction device.”

Claim 1 is further amended to provide that “the through-holes in the tag [are] adapted to engage the projecting teeth such that the tag remains inside the central disk of the constriction device in an irreversible manner as proof that said constriction device has been used.” This additional safety mechanism provides a method to ensure that the apparatus is not accidentally reused. This latter limitation regarding the irreversible interaction between the through-holes in the tag and the projecting teeth is not provided in Segal et. al. (Note that this is different from claim 2 in which the constriction device is connected in an irreversible manner to the bag.)

Accordingly, for at least these reasons, claims 6-13 and 15-19 are allowable under 35 U.S.C. § 103(a) over Segal et al.

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Segal in view of MacNeill (US 4,346,869).

Claim 14 depends from claim 1 which is shown above to be allowable. Accordingly, for at least this reason, claim 14 is allowable under 35 U.S.C. § 103(a) over Segal in view of MacNeill

Claims 3, 5, and 20-35, rejected under 35 U.S.C. § 103(a) as being unpatentable over Segal in view of Greenwalt et al. (US 4,685,314).

Claims 3, 5, and 20-35 depend from claim 1 which is shown above to be allowable. Accordingly, for at least this reason, claims 3, 5, and 20-35 are allowable under 35 U.S.C. § 103(a) over Segal in view of Greenwalt et al.

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Segal in view of Delvigo (US 5,925,028).

Claim 2 depends from claim 1 which is shown above to be allowable. Accordingly, for at least this reason, claim 2 is allowable under 35 U.S.C. § 103(a) over Segal in view of Delvigo.

Claim 41 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Segal in view of Greenwalt, and further in view of Delvigo.

Claim 41 depends from claim 1 which is shown above to be allowable. Accordingly, for at least this reason, claim 41 is allowable under 35 U.S.C. § 103(a) over Segal in view of Greenwalt, and further in view of Delvigo.

### **Conclusion**

Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

S/N: 10/595,852  
Reply to Office Action of April 15, 2009

Atty Dkt No. PIER 0101 PUSA

The Petition fee of \$245.00 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,  
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Date: September 15, 2009

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